

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re: Chapter 11
Rancher's Legacy Meat Co., Case 19-32928
Debtors.

Rancher's Legacy Meat Co., as Debtor-in- Possession and the Official Committee of Unsecured Creditors of Rancher's Legacy Meat Co., Adversary No.: 19-3095

Plaintiffs,
vs.

James L. Ratcliff and Great Western Bank,
Defendants

RESPONSE OF DEFENDANT JAMES L. RATCLIFF TO PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT

James L. Ratcliff ("Ratcliff"), as and for his response to the Plaintiff's Motion for Partial Summary Judgment states as follows:

The issue in the Plaintiff's Motion for Partial Summary Judgment are the secured status of Ratcliff as the primary secured lender to the Debtor in the main bankruptcy case.

Nearly simultaneously with the filing of the instant motion for partial summary judgment, Ratcliff filed his Motion for Adequate Protection in the main case (Docket 124) which will be heard on January 5, a week before the Plaintiff's Motion for Summary Judgment in this

Adversary Action. Ratcliff believes that all of the arguments made in said Adequate Protection Motion will be the same as the arguments that would be made in the Plaintiff's Motion for Partial Summary Judgment and that, therefore, this motion will be rendered moot by the decision of the Court on the Motion for Summary Judgment. Furthermore, to the extent that the Court enters an order for Adequate Protection, Ratcliff would be entitled to an order in this Adversary Action for Partial Summary Judgment, finding that he is the first secured lender to the Debtor in this case, leaving only the issues related to the Great Western Bank loan for the Court's determination.

Therefore, to the extent necessary, in response to the Plaintiff's motion, Ratcliff incorporates the arguments set forth in his Motion for Adequate Protection as though fully set forth herein.

Wherefore, Defendant Ratcliff requests that the Court:

- 1 Enter an order denying the Plaintiff's Motion for Partial Summary Judgment.
- 2 Granting Summary Judgment for Defendant James L. Ratcliff as to his secured status.
- 3 Enter an order providing such other relief as the court deems just and equitable.

Dated: January 29, 2020

SAPIENTIA LAW GROUP PLLC

/e/ Kenneth C. Edstrom

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Attorneys for Defendant James Ratcliff

CERTIFICATE OF SERVICE

Kenneth C. Edstrom, under penalty of perjury, states as follows:

The Response of James L. Ratcliff to the Plaintiff's Motion for Partial Summary Judgment was served upon all appropriate parties in this adversary action through electronic filing and service via the Court's CM/ECF system.

Dated: January 29, 2020

/e/ *Kenneth C. Edstrom*